



Appeal Decision

Site visit made on 18 April 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th June 2023

Appeal Ref: APP/M2840/W/22/3310170

**Land adjacent to 4 Pinewood Close, Kettering, Northamptonshire
NN16 9BQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Mutch against the decision of North Northamptonshire Council.
 - The application Ref NK/2022/0426, dated 28 June 2022, was refused by notice dated 4 October 2022.
 - The development proposed is 1-bedroom bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether the proposed development would provide acceptable living conditions for the future occupants of the proposed dwelling, with particular regard to privacy.

Reasons

Character and appearance

3. The appeal site is a roughly triangular parcel of land to the side of 4 Pinewood Close (No 4) and behind the rear gardens of 117, 119 and 121 Pennine Way. Pinewood Close is a cul-de-sac made up of three different sized properties, set in groups around the road.
4. The rear and side garden of No 121 is enclosed by a large hedge along the back of the footway on Pinewood Close. This is also replicated on the opposite corner and creates a sense of enclosure to the entrance to Pinewood Close. However, beyond these hedges the cul-de-sac has an open and pleasant feel created by the set-back of the properties from the road, and the lack of, or low, boundaries. This open and pleasant feel currently contributes positively to the character of the immediate area. The appeal site, as a parcel of open ground, forms part of this open context and character.
5. Notwithstanding the appellant's assertion, the hard surfaced driveways in the cul-de-sac do contribute positively to the openness and, in the main, the boundaries to the front of the properties are low level. The existing garages

and higher sections of fencing highlighted by the appellant are all set back from the road and, therefore, do not substantially alter the character of the area.

6. The proposed bungalow has been designed to turn the corner and therefore follow the building line of No 4 and be roughly in line with the outbuilding in the rear garden of No 121. This layout is now different to the two previous appeals referred to by both main parties.
7. The design of the external appearance of the proposal is not objectionable. However, except at the point adjacent to No 4, the proposed building would sit closer to Pinewood Close than any of the existing dwellings on the cul-de-sac. The proposal would be provided with a narrow front garden and a single parking space with bin storage on the side which would not replicate the more spacious and open frontages to the other properties on the cul-de-sac. The proposed layout, therefore, would appear cramped and contrived and would significantly erode the open and pleasant character of the area.
8. I acknowledge that the outbuilding within the rear garden of No 121 is a similar distance from Pinewood Close, however this does not have the same effect on the character of the area due to being enclosed by the boundary hedge and gates. In addition, although the site is currently vacant and overgrown with weeds, even in its current condition it still contributes towards the open character of the cul-de-sac. The lack of maintenance of the site does not justify the appeal proposal. The appellant has also referenced a wall which previously enclosed part of the site; however, this is not the current situation and therefore not determinative in my decision.
9. For the above reasons I, therefore, find that the proposal would not maintain the open and pleasant character of the area, would result in a cramped and contrived form of development, and would have an adverse effect on the character and appearance of the area contrary to Policy 8 of the North Northamptonshire Joint Core Strategy, 2016, which, amongst other matters, requires new development to respond to the site's immediate and wider context and character.
10. The proposal would also conflict with Section 12 of the Framework in not achieving good design.

Living conditions

11. The proposed patio doors in the rear elevation face towards the first-floor windows of the two-storey houses on Pennine Way, Nos 117, 119 and 121. The lounge would, therefore, be overlooked by the windows in the neighbouring properties and suffer a loss of privacy. The relationship between the patio doors and the neighbouring properties is not directly face to face but is also not at such an angle so as to minimise overlooking.
12. Even if I were to accept the separation distances referenced by the appellant, I saw on my visit that the distance to neighbouring properties' windows would not be sufficient to prevent the loss of privacy. Moreover, due to the loss of privacy being from the existing first floor windows looking down towards the proposed single-storey dwelling, the existing boundary treatments and outbuildings would not reduce the extent of overlooking.
13. I acknowledge that the separation distances and angles are not dissimilar to the relationship between the houses on Pennine Way and No 4. However, it

appears that these properties were all built at a similar time and I do not have substantive evidence as to why this relationship was determined to be acceptable at the time. That existing properties have a similar separation distance is not sufficient justification for developing new build units with poor living conditions. The loss of privacy would result in poor living conditions for the future occupants of the appeal proposal.

14. The other windows in the proposed development are not significantly affected by overlooking. The proposed bedroom window, due to the angle and the proximity to the boundary fence, and the outbuilding in the garden of No 121, would not be significantly overlooked. The proposed bathroom window would not serve a habitable room window and the proposed kitchen window is a narrow window which would, therefore, also restrict the effect on the privacy to this room. However, the loss of privacy to the lounge would result in unacceptable living conditions for the future occupants of the proposal.
15. The windows of the houses on Pennine Way would also overlook a substantial part of the garden area of the proposal. I acknowledge that there often overlooking of gardens in built-up residential areas. However, in this instance the short depth of the garden would result in the occupants of the appeal proposal having very restricted private garden which would be harmful to their living conditions.
16. The appellant's evidence shows that the site was formerly part of the garden of No 4 and provided No 4 with a less constrained plot. However, the subdivision of No 4's garden to form the site means that the garden of the proposal would be constrained in scale. As a result, the experience and impact of being overlooked would have a detrimental impact on the enjoyment of the garden by the future occupiers.
17. For the above reasons I find that the proposed development would result in unacceptable living conditions for the future occupants of the appeal proposal, with particular regard to privacy. The proposal is therefore contrary to Policy 8 of the North Northamptonshire Joint Core Strategy, 2016, which, amongst other matters, seeks to ensure quality of life by protecting the living conditions of future occupants by preventing unacceptable overlooking.

Other Matters

18. The provision of one new dwelling would have economic and social benefits; contribute towards boosting housing supply; and is within the settlement boundary, near to services and facilities. However, the benefits of one dwelling are limited and do not outweigh the environmental harm I have found to the character and appearance of the area and the living conditions of the future occupants of the proposal.
19. That that the proposal complies with the NDSS¹, is acceptable on highway grounds and does not adversely affect the living conditions of the occupants of neighbouring properties to an unacceptable extent are neutral matters and weigh neither for nor against the proposal. The lack of objections on the main issues from any interested party, including Kettering Town Council, is acknowledged but does not remove the need to assess the proposal against the development plan as a whole.

¹ Technical Housing Standards – Nationally Described Space Standard 2015 (NDSS)

20. The appellant has also drawn my attention to a bungalow built at 1 Kathleen Drive which, they contend does not follow the building line, nor fit in with the context of the area. Although I have been provided with the officer report for the most recent planning permission at Kathleen Drive, I am not aware of the reasons permission was originally granted in 2005. Moreover, as I saw at my visit, the context of the area surrounding the site at Kathleen Drive is open and pleasant due to the spaces between the roads rather than the set back of the properties from the road. The houses around the Kathleen Drive property have enclosed frontages with higher boundaries but with tree-lined green spaces between the roads. As such the site and the surrounding context at Kathleen Drive is not comparable to the appeal before me and does not justify the proposal. Moreover, I have dealt with the current appeal on the basis of the evidence before me.

Conclusion

21. For the reasons given above I have found that the proposal would be contrary to the development plan as a whole, and the Framework. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

K Townsend

INSPECTOR